

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:12-CR-311-BO-2

RODNEY FRANCES SMITH,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)

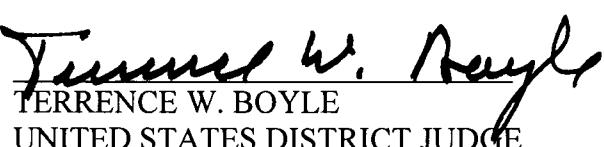
ORDER

On January 24, 2014, the Court gave notice to Rodney Smith, that the Court intended to construe his motion for status update regarding direct appeal [DE 54] as a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255. [DE 59]. The Court has received correspondence from petitioner indicating that he does not wish to file a § 2255 motion. [DE 62]. Accordingly, the Court DOES NOT CONSTRUE petitioner's earlier letter [DE 54] to be a § 2255 motion.

The Clerk is directed to clear the docket of pending motion entries 54 and 62.

SO ORDERED,

this 8 day of March, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE